

### **REMARKS**

In the Final Office Action mailed August 18, 2008, claims 1, 2, 4-6, and 10 were rejected. Claims 3, 7-9, 11-39 were previously withdrawn as being drawn to a non-elected invention. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks.

#### **I. CLAIM REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1, 2, 4-6, and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Tibbetts (US 3, 617, 653). Claim 10 has been canceled. Applicant respectfully traverses the rejection of claims 1, 2, and 4-6 under 35 U.S.C. §102(b).

Claim 1 now amended recites, *inter alia*, an armature with a connection portion 334 flexibly that couples a first leg portion 304 to a second leg portion 312, wherein the connection portion 334 has a thickness less than a thickness of the first leg portion 304. The connection portion 334 also has a width that is greater than a width of the first leg portion 304. (emphasis added).

Applicant respectfully submits that the action has, by only providing mere conclusory statements, failed to satisfy the patentability requirement, without adequate notice of the basis of rejection. In particular, §2125 of the Manual of Patent Examining Procedures (MPEP) states that:

Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. *In re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). MPEP §2125

In order to use the prior art reference drawings to reject the claims to the instant invention, the examiner must identify how the drawings teach or suggest all the claim limitations. When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000). For example, in FIG. 25 of Tibbetts, Tibbetts does not demonstrate

how to create a thickness of the connection portion being less than a thickness of the first leg portion, i.e.  $T_C < T_A$  and does not demonstrate how to create a width of the connection portion being greater than a width of the first leg portion, i.e.  $W_C > W_A$  as recited in claim 1. The drawing (FIG. 25) is merely a schematic diagram showing the conventional dimension of the armature and that diagram does not show any particular thickness or width. Certainly the drawing (FIG. 25) cannot be relied on if the specification of Tibbetts is completely silent on the issue. Although Tibbetts describes that the armature yoke 1 and the armature leg 2 could have different thickness or narrowing the choice or selection of materials (See Col. 9, ll. 26-31, FIGs. 1-4), however Tibbetts does not teach or suggest that the connection portion or leg portions of the armature are to have specific relative thickness and width. In view of this shortcoming Applicant asserts that the Examiner's rejection is in error and should be withdrawn.

For at least this reason, applicant respectfully asserts claim 1 is allowable over Tibbett, claims 2 and 4-6 depending therefrom are also allowable.

The withdrawn claims 3, 7-9, 11-16, and 17-39 are also allowable in this application by virtue of their dependency from claim 1.

## **II. Conclusion**

A prompt indication of allowability of claims 1, 2, and 4-6 is earnestly solicited.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, she is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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